

So I think there may be more to this—this is my personal belief—than simply judges. It seems to me perhaps there is some effort to not have any more appropriations bills; that there may be some effort to have a big bill, an omnibus bill that the President would try to work on with the leadership—whatever that means—on occasion.

I hope the Presiding Officer—I know I will—will keep a close eye on this. We should be very careful. We have had experiences in the past where these large bills were not good for the country. They are not good for my State. They are not good for the country.

As I say, I think there may be more to this than simply judges because Senator LEAHY is moving judges as quickly as we can, more quickly than the times really allow. So I hope the people on the other side allow us to go forward on this bill. We have other important appropriations bills we should be doing—Agriculture, to mention just one.

Is there going to be an effort by the minority to hold up the Defense appropriations bill, or do they want a big lump of appropriations matters sent to the President in one form?

I hope we will be allowed to take up this bill. This is an extremely important measure to assist our war-related efforts. The President just returned from China where he met with leaders of 21 different nations where he talked to them about things that are needed to help them.

I traveled with Senator Simon and others to Uzbekistan a number of years ago. We were taken to the Aral Sea—a sea that dried up as a result of very bad practices by the former Soviet Union. It is the fourth largest sea in the world. The shoreline is now 80 miles from where it used to be. Weather patterns have changed in that part of the world.

On the second page of the Post: One of the islands in that great sea was used for development of biological weapons.

We are going to help Uzbekistan rid that island of anthrax. That is going to take money. That money is in this bill. I do not know how they proposed to do that without the specific appropriations to allow it to happen.

The full Senate, with the permission of the minority, is going to vote on four judicial nominations this afternoon. I hope everyone will understand there is a time and place for everything. This certainly does not appear to be the time to continue a filibuster on this most important legislation.

The PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate equally divided between the chairman and ranking member, or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the time I used be counted as time against the majority's time on the 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Mr. President, before I yield to my friend from Kentucky, I wanted to say that I think all of us join with the Senator from Nevada in suggesting that we need to move forward. The fact is, we have a reason for not moving. We need a commitment to move more quickly. In spite of all the excuses and all the reasons, we haven't moved quickly. We are very much behind. We have a good many vacancies that need to be filled. I just have to say that there is a way to solve it—by committing ourselves to doing this very quickly.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I am pleased to hear the Senator from Nevada indicate that we might be able to confirm four district judges this afternoon. I can't speak for the minority leader, but I assume he would think that would be a wonderful idea and would be a step in the right direction.

I am in a curious position of being the ranking member on the Subcommittee on Foreign Operations supporting the underlying bill and thinking it is necessary that it be passed sometime soon. At the same time, as a member of the Judiciary Committee, I am terribly concerned about the slow pace of the confirmation of judges. This is a serious situation.

Just last week we lost another judge. Charles Wolle of the Southern District of Iowa announced he was taking a senior status. The vacancy situation has now risen to 109, which is 13 percent of the Federal bench. That means more than 1 of every 10 seats is unfilled.

As we all know, justice delayed is justice denied. If there isn't a judge on the bench, there isn't a way to get justice. Unfortunately, we still don't have any specific commitments from our friends on the other side of the aisle to move ahead. As of this moment, only eight judges have been confirmed this entire year. Therefore, I urge my colleagues on this side of the aisle to vote exactly as they did 1 week and 1 day ago on this issue until we can get some resolution of where we are headed to deal with the issue of justice being denied by substantial vacancies in the Federal judiciary.

There have been a number of different fallacies that have been put forward by my friends on the other side of the aisle related to this whole situation.

Fallacy No. 1: That we shouldn't oppose cloture because this bill contains money for embassy security.

There is no embassy security money in this bill. That is in the Commerce-Justice-State appropriations bill.

Fallacy No. 2: That somehow it is actually President Bush's fault that there are not more than eight judges confirmed.

That is not only incorrect but it is decidedly unfair. President Bush submitted to the Senate more nominees at

a faster pace than any President in recent memory. He submitted his first batch of nominees in May—3 months earlier than President Clinton. By the August recess, the President had submitted 44 judicial nominees, which is a historic high—more nominees before August than any President ever. Fallacy No. 3 is another attempt to shift blame to the President.

Our friends on the other side of the aisle assert that the paperwork on the President's nominees isn't complete. That is also incorrect.

As of last week, the paperwork was done on at least 14 circuit court nominees and on at least 15 district court nominees. That is 29 nominees who are right now ready to go.

Fallacy No. 4: That our lack of progress on judges is due to the change in control of the Senate and the time it took to get a new organizing resolution.

That, too, is false. After the change of Senate control and before the organizing resolution was finally adopted, nine different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed. And one of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

Let's go over that one more time.

During the period of reorganization, nine different Senate committees held 16 different nomination hearings for 44 different nominees before the reorganization was completed. One of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

My colleagues, it is clear that none of these reasons that have been put forth have any merit. We have to look elsewhere. I submit that one reason we haven't made better progress is inefficiency. As I have said, while we have had some hearings, we have not come close to getting the most out of the hearings. In fact, it seems as if we have gotten the least out of the most.

From 1999 to 2000, the Judiciary Committee averaged 4.2 judicial nominees per hearing. This year, by contrast, we were averaging only 1.4 judicial nominees per hearing.

We had a hearing but we didn't have people there to testify. That is a pace that is three times as slow as in the past.

I was glad to hear that the chairman put four judges in last week's confirmation hearings. I am pleased to hear the assistant majority leader say that we will confirm four of those nominees today. I hope we will do that. But that sort of effort which we have made to date leaves us way behind.